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10/655,771

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William N. Schilit

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FLIESLER MEYER LLP  
650 CALIFORNIA STREET  
14TH FLOOR  
SAN FRANCISCO, CA 94108

EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,771	<b>Applicant(s)</b> SCHILIT ET AL.	
	<b>Examiner</b> NICHOLAS AUGUSTINE	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,8,10 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,10 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/9/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 10/09/2008. This action is made **Final**.
- B. Claims 1-3, 8, 10 and 13-21 remain pending.

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### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3,8,10 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al (US 6,023,701), herein referred to as "Malik" in view of Bickmore (US 6,857,102 B1), herein referred to as "Bickmore" in further view of Lamming et al. (US Pat. 5,862,321), herein referred to as "Lamming."

As for independent claim 1, Malik teaches a method for providing access to services when a Web page is accessed by a user comprising the steps of: receiving a URL from a user (col.5, line 3); retrieving one or more links parsed from a Web page identified by the URL (col.5, line 6), wherein the links comprise menu items parsed from a template of menu items on the Web page (col.6, line 33 and table in col.6-7); displaying the one or more links in a list format (figure 4-5); receiving a user selection of a given one of the links from the list of links (col.9, line 51); retrieving one or more services which may be performed for the given link, the one or more services hosted separately from the list of links (figure 5: wherein displayed is a list of links from a URL entered by the user, of course those skilled in the art would appreciate the fact that a webpage has links to separate services which are hosted on different web servers than that of the current viewed URL );and displaying the one or more services in a list format for selection by the user (col.7, lines 28-35). Malik mentions that the method may also be implemented in a cellular system (col.3, line 36), however a cellular system can be a mobile device or non-mobile device therefore Malik does not specifically mention the method may be implemented on a mobile device, however in same field of endeavor Bickmore teaches a mobile device (PDA or cell phone) running a web browser and reformatting the display screen to show hyperlinks of importance to the user (col.13, lines 46-50 and figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bickmore into Malik; this is true because both teach systems for reformatting an entered URL web page in a browser (col.3, lines 33-53 and figure 1). The claim

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would have been obvious because the substitution of a personal computer able to run a web browser for a mobile device able to run a web browser would have yielded predictable results to one of ordinary skill in the art at the time of the invention. *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing KSR, 82 USPQ2d at 1396) (available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>).

Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67; col.5, lines 1-17; col.7, lines 1-20,23, 27, 39, 48 and 66-67; col.8,lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

As for dependent claim 2, Malik teaches the method of claim 1, wherein the step of displaying the one or more services comprises the steps of: displaying one of a number of link dependent services as identified by the given link (figure 5-6). Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the

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users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67; col.5, lines 1-17; col.7, lines 1-20,23, 27, 39, 48 and 66-67; col.8,lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

As for dependent claim 3, Malik teaches the method of claim 2, wherein the standard list of services consists of one or more of the following: print for printing the Web page identified by the given link; fax for faxing the Web page identified by the given link; email this for emailing the given link; read for displaying the contents of the Web page identified by the given link (figure 3); and transmitting the given link as a pager message. Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67;

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col.5, lines 1-17; col.7, lines 1-20,23, 27, 39, 48 and 66-67; col.8,lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

As for dependent claim 8, Malik teaches the method of claim 1, wherein the one or more services consists of one or more of the following: print for printing the Web page identified by the given link; fax for faxing the Web page identified by the given link; email this link for emailing the given link; read for displaying the contents of the Web page identified by the given link (col.9, line 56); and transmitting the given link as a pager message. Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67; col.5, lines 1-17; col.7, lines 1-20,23, 27, 39, 48 and 66-67; col.8,lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming

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solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

As for dependent claim 10, Malik teaches the method of claim 1, wherein the step of displaying the one or more services comprises the steps of: displaying a standard list of services (figure 5); and displaying a list of services dependent on a location of the user's mobile device (col.3, lines 45-50). Note the discussion of claim 1 above. Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67; col.5, lines 1-17; col.7, lines 1-20, 23, 27, 39, 48 and 66-67; col.8, lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2, lines 3-21).



As for dependent claim 13, Malik teaches the method of claim 1, wherein the step of displaying the one or more services comprises the steps of: displaying a standard list of services (figure 5, col.7, lines 25-30); and displaying a list of services dependent on a characteristic of the user wherein the user characteristics comprise one or more of the following: user preferences specified by the user on the user's mobile device; type of mobile device used by the user; and cost of services for which the user will pay (col.7, lines 25-50). Note the discussion of claim 1 above. Malik in view of Bickmore do not specifically in great detail disclose that the hyperlinks displayed to the users represent services which are selectable by the user for use of a service to be acted upon a device that is in current communication with portable device. However in the same field of endeavor Lamming teaches retrieving one or more service menu items corresponding to one or more services, the one or more services comprising programs to perform functions for the given link (col.4, lines 40-67; col.5, lines 1-17; col.7, lines 1-20,23, 27, 39, 48 and 66-67; col.8,lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

As for dependent claim 14, Malik teaches the method of claim 1, further comprising ordering of the display of links by one of the following: number of times user has

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navigated to that link; number of links with the most duplicates on the website; links that identify documents with largest content; and links that have a larger size (col.7, lines 25-50).

As for dependent claim 15, Malik teaches the method of claim 1, wherein displaying the one or more links further comprises scrolling down the list of links by a user for a list of links longer than the number of links that can be displayed to the user's mobile device screen (figure 3). Note the discussion of claim 1 above.

As for dependent claim 16, Malik teaches the method of claim 1, wherein displaying the one or more links further comprises displaying a button, which when selected displays additional screens of any additional links for a list of links longer than the number of links that can be displayed to the user's mobile device screen (figure 6). Note the discussion of claim 1 above.

As for dependent claim 17, Malik teaches the method of claim 1, wherein displaying the one or more links further comprises displaying a button, which when selected displays offsite links (figure 3-4).

As for dependent claim 18, Malik teaches the method of claim 1, wherein displaying the one or more links further comprises displaying a button, which when selected displays

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the previous (col.5, line 28).

As for dependent claim 19, Malik teaches the method of claim 1, wherein displaying the one or more links further comprises displaying one or more of the following parsed from the Web page: phone numbers, addresses and email addresses (Of course those skilled in the art would appreciate that fact that links parsed from a web page commonly found would include email address, which is widely found in the art (<http://en.wikipedia.org/wiki/Email>)).

As for dependent claim 20, Malik teaches the method of claim 21, wherein link dependent services comprise services dependent on the content of Web pages accessed by the link, the link dependent services including one of owner dependent, format dependent and language dependent services (col.7, line 32; wherein hyperlinks of a URL visited are the same as services which are links to other information on the URL visited or another). Alternatively Lamming teaches wherein link dependent services comprise services dependent on the content of Web pages accessed by the link, the link dependent services including one of owner dependent, format dependent and language dependent services (col.8, lines 19-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2, lines 3-21).

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As for dependent claim 21, Malik in view of Bickmore teaches the method of claim 1, wherein the step of displaying the one or more service menu items comprises the step of: displaying one or more service menu items corresponding to link dependent services as identified by the given link (col.7, line 32). Alternatively Lamming teaches displaying one or more service menu items corresponding to link dependent services as identified by the given link (col.8, lines 19-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamming into Malik as modified by Bickmore, this is true because Lamming solves the problem of formatting a display system to present to the user requested hyperlinked information for user selection based upon initial starting point (col.2,lines 3-21).

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**(Note:)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments filed 10/09/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

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A1. Applicant argues that Malik, Bickmore and Lamming fail to teach or suggest retrieving one or more links parsed from a Web page identified by the URL.

R1. Examiner does not agree, as disclosed in Malik it is directly explained retrieving one or more links parsed from a Web page identified by the URL in at least column 5, lines 1-2.

A2. Applicant argues that Lamming does not teach displaying one or more service menu items corresponding to standard services independent of the given link.

R2. Examiner does not agree, Lamming discloses that the user is able to select a given piece of information (link) that is directed to dependent information pertaining to selected piece of information thus displaying one or more service menu items corresponding to standard services independent of the given link (col.8, lines 19-63).

A3. Applicant argues that Lamming does not teach services dependent on a characteristic of the user.

R3. Examiner does not agree, please note R2 above.

A4. Applicant argues that Malik, Bickmore and Lamming fail to teach or suggest ordering of the display links.

R4. Examiner does not agree, Malik explains organizing the links anyway in column 7, lines 24-29.

***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/  
Examiner  
Art Unit 2179  
December 31, 2008

/Ba Huynh/  
Primary Examiner, Art Unit 2179